

SENATE BILL NO. 230

BY SENATOR SHAW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 46:236.1.11(A) and to enact R.S. 46:236.11.1 through 236.11.4,  
3 relative to the family and child support program; to provide for certain electronic  
4 data matching and cooperation between the Department of Social Services and  
5 insurance companies; to provide relative to disclosure of certain information; to  
6 provide definitions; to provide for procedures and requirements for notice of  
7 payment to the state disbursement units; to provide for the redirection of income  
8 assignment payments; to provide for the amendment and use of certain records as  
9 evidence; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 46:236.1.11(A) is hereby amended and reenacted and R.S.  
12 46:236.11.1 through 236.11.4 are hereby enacted to read as follows:

13 §236.1.11. Family and child support programs; insurance companies; data matching  
14 and cooperation; responsibilities

15 A.(1) ~~The department shall be authorized to obtain, through an interagency~~  
16 ~~agreement with Department of Health and Hospitals, health insurance enrollment~~  
17 ~~data currently being provided in accordance with federal law and R.S. 44:14.~~

18 (2) ~~The provisions of Paragraph (A)(1) of this Section shall not apply to the~~  
19 ~~following types of insurance: limited benefit health and accident; Civilian Health and~~  
20 ~~Medical Program of the Uniformed Services (CHAMPUS); dental; disability~~

1 ~~income; fixed indemnity; long-term care; Medicare supplement; Medicare~~  
2 ~~Advantage; specified disease; vision; basic hospital expense; and basic~~  
3 ~~medical-surgical expense.~~

4 The department shall be authorized to obtain health insurance  
5 enrollment data currently being provided in accordance with federal law and  
6 R.S. 44:14, through data sharing agreements between the department and  
7 health insurers, as defined in R.S. 46:446.6, or through an interagency  
8 agreement with the Department of Health and Hospitals, at the discretion of the  
9 department.

10 (2) As a condition of conducting business in Louisiana, health insurers,  
11 defined as any insurance company or other entity who is authorized to transact  
12 and is currently transacting health insurance business in this state, including  
13 self-insured plans, group health plans as defined in Section 607(1) of the  
14 Employee Retirement Income Security Act of 1974, service benefit plans,  
15 managed care organizations, pharmacy benefit managers, third party  
16 administrators and any other parties that are, by statute, contract, or  
17 agreement, legally responsible for payment of a claim for a health care item or  
18 service, shall permit and participate in data matching with the department to  
19 assist in determining the availability of other sources of health care insurance  
20 or coverage for beneficiaries of the child support program. If not providing  
21 data through the Department of Health and Hospitals, health insurers shall  
22 provide to the department or its designee, no less than quarterly, an electronic  
23 listing of all individuals who may be covered by a health insurer and the nature  
24 of coverage that is provided, their social security numbers, addresses, dates of  
25 birth, policy holder, policy identification number, group number and effective  
26 dates for purposes of identifying coverage and enforcing medical child support  
27 orders administered by the department.

28 (3) The provisions of Paragraphs (1) and (2) of this Subsection shall not  
29 apply to the following types of insurance: limited benefit health and accident;  
30 TRICARE; dental; disability income; fixed indemnity; long-term care;

**Medicare supplement; Medicare Advantage; specified disease; vision; basic hospital expense; and basic medical-surgical expense.**

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### **§236.11.1. Notice of payment**

**A. When a court orders income to be withheld in accordance with R.S. 9:303 or R.S. 46:236.3, it shall order the income to be paid to the state disbursement unit within the department.**

**B. To redirect payments in accordance with R.S. 46:236.10, the department shall issue a notice to the obligor, obligee, and employer that income withheld for child support shall be paid to the state disbursement unit. A copy of the notice shall be filed with the court of continuing jurisdiction and the clerk of court shall file it in the appropriate case file.**

**C. The notice shall include all of the following:**

**(1) The name of the child and the name of the obligee.**

**(2) The caption and docket number of the case in which support is**  
**ordered.**

**(3) Instructions for the payment of support to the state disbursement**

**unit in accordance with R.S. 46:236.1.4.**

**D. The notice may be used by the department to redirect child support payments from the state disbursement unit of this state to the state disbursement unit of another state in accordance with 42 U.S.C.A. § 654(B).**

### **§236.11.2. Deposit, distribution, and issuance of payments**

**A. No later than the second business day after the date the state disbursement unit receives a child support payment, it shall distribute the payment to the department or the obligee.**

**B. The state disbursement unit shall deposit daily, in a trust fund with the state treasurer, all child support payments received. In agreement with the state treasurer, the unit may issue checks from the trust fund.**

### **§236.11.3. Official child support payment record**

**A. The record of child support payments previously maintained by an**

1 obligee is the official record of a payment received directly by the obligee.

2 B. The record of child support payments maintained by the state  
3 disbursement unit is the official record of a payment received directly by the  
4 unit.

5 C. Upon the redirection of child support payments from an obligee to  
6 the state disbursement unit, an obligee may combine his records and a record  
7 of payments furnished by the unit to present a complete payment record to the  
8 court.

9 D. If the obligee does not add payments received by the state  
10 disbursement unit to the record maintained by the registry as provided by  
11 Subsection C of this Section, the official record of child support payments shall  
12 consist of the record previously maintained by the obligee for payments  
13 received directly by the obligee and the record maintained by the state  
14 disbursement unit for payments received directly by the unit.

15 E. A certified child support payment record produced by the state  
16 disbursement unit shall be admissible as self-authenticating and shall be prima  
17 facie proof of such payments.

18 §236.11.4. Administrative review of child support payment record

19 A. Upon request, the state disbursement unit shall provide to an obligor  
20 or obligee a copy of the record of child support payments maintained by the  
21 unit. The record shall include the amounts and dates of all payments received  
22 from or on behalf of the obligor and disbursed to the obligee.

23 B. An obligor or obligee may request that the department investigate  
24 any alleged discrepancy between the child support payment record provided by  
25 the unit and the payment records maintained by the requestor. The obligor or  
26 obligee shall provide documentation of any alleged discrepancy, including a  
27 canceled check or other evidence of a payment or disbursement.

28 C. The department shall respond to a request regarding a discrepancy  
29 no later than twenty days after receipt. If after an investigation the department  
30 determines that the child support payment record maintained by the unit is not

1            accurate, the record shall immediately be amended and the requestor shall be  
2            notified.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_